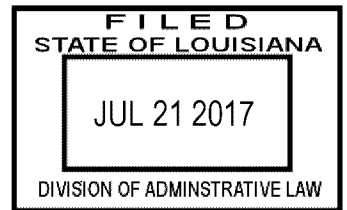




STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov



July 21, 2017

VIA ELECTRONIC FILING

Clerk of Court
Ethics Adjudicatory Board
Division of Administrative Law
P.O. Box 44033
Baton Rouge, Louisiana 70804-4033

**Re: *In the Matter of Peter Businelle and Peter Businelle d/b/a PAB Welding*
Agency Tracking No. 2017-073**

Dear Clerk:

In accordance with La. R.S. 42:1141C(3), the Louisiana Board of Ethics, at its July 20, 2017 meeting, issued charges against Peter Businelle and Peter Businelle d/b/a PAB Welding for allegedly violating provisions of the Louisiana Code of Governmental Ethics (La. R.S. 42:1101 *et seq.*). Attached hereto for filing into the Ethics Adjudicatory Board's record, is a copy of the charges issued against Peter Businelle and Peter Businelle d/b/a PAB Welding.

In accordance with La. R.S. 42:1141E, on today's date, the Louisiana Board of Ethics has provided Peter Businelle and Peter Businelle d/b/a PAB Welding with a written copy of the charges by way of Certified U.S. Mail (7017 0530 0000 1747 8569) and a copy to Robert P. Fuhrer, Attorney at Law, by regular mail.

The Board is in possession of the following contact information regarding Peter Businelle and Peter Businelle d/b/a PAB Welding:

Peter Businelle
641 79 Pines Lane
Morgan City, Louisiana 70380-5409

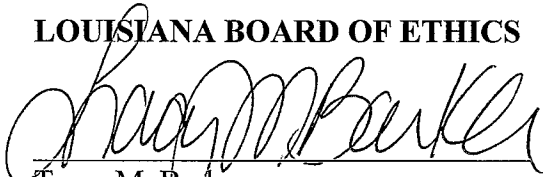
Robert P. Fuhrer
Attorney at Law
P.O. Drawer 3319
Morgan City, Louisiana 70381
Telephone: 985/385-1703
Facsimile: 985/385/1720
Email: rfuhrer@atvci.net

Clerk of Court
July 21, 2017
Page 2

If you have any questions please do not hesitate to contact me.

Sincerely,

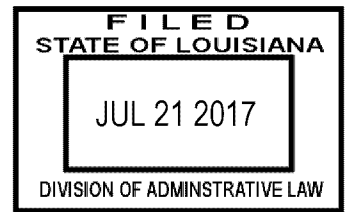
LOUISIANA BOARD OF ETHICS

A handwritten signature in black ink, appearing to read "Tracy M. Barker", written over a horizontal line.

Tracy M. Barker
Designated Trial Attorney
For the Board

Attachment

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**



LOUISIANA BOARD OF ETHICS

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DOCKET NO.

IN THE MATTER OF

**PETER BUSINELLE AND PETER
BUSINELLE D/B/A PAB WELDING**

AGENCY TRACKING NO. 2017-073

CHARGES

The Louisiana Board of Ethics voted on July 20, 2017 to and does hereby file the following charge:

I.

The St. Mary Parish Consolidated Gravity Drainage District No. 2 is a political subdivision of the state created by the St. Mary Parish Council pursuant to La. R.S. 38:1841, et seq.

II.

In accordance with La. R.S. 38:1803A(1), the St. Mary Parish Consolidated Gravity Drainage District No. 2 is empowered to drain lands by the construction, maintenance, and operation of gravity and/or forced drainage facilities, including drains, drainage canals, ditches, pumps, pumping plants, dikes, levees, and other related works; acquire machinery and maintain pumping plants or any machinery whatever that may be found necessary for the purpose of draining any of the lands embraced within the district; cut and open any drains and canals and open, deepen and enlarge natural drains within or without the district and perform all work in connection therewith which may be deemed necessary to provide drainage for lands in the district, and perform all other acts necessary to drain the land in the district and maintain the drainage when established; and, extend canals or

ditches or both canals and ditches beyond the limits of the district but within the boundaries of St. Mary Parish for the purpose of securing a proper outlet for the waters of the district.

III.

Peter Businelle was engaged by the St. Mary Parish Consolidated Gravity Drainage District No. 2 in November 1997 to serve as its Maintenance Supervisor/Superintendent and Lead Pumper. Mr. Businelle served in this position until his resignation in October 2013.

IV.

As Maintenance Supervisor/Superintendent and Lead Pumper, Peter Businelle reported directly to the Board of the St. Mary Parish Consolidated Gravity Drainage District No. 2 and his job duties included maintaining the pumping stations and drainage ways; inspecting the stations and drainage ways weekly; handling all emergencies and problems; reporting conditions and events to the board; dispatching pumper employees to the stations; having signature authority on all purchase accounts; and, managing the work performed for the St. Mary Parish Consolidated Gravity Drainage District No. 2.

IV.

For calendar year 2013, Peter Businelle received \$9,775.00 from the St. Mary Parish Consolidated Gravity Drainage District No. 2 for services provided as the Maintenance Supervisor/Superintendent and Lead Pumper.

VI.

Peter Businelle also provided services doing business as PAB Welding, an unincorporated company.

VII.

Peter Businelle d/b/a PAB Welding provided services and materials to the St. Mary Parish Consolidated Gravity Drainage District No. 2 relating to grass cutting, building maintenance and repairs, pump system maintenance and repairs, levee maintenance and repairs, and drainage way maintenance and repairs. Peter Businelle d/b/a PAB Welding received nearly all of the maintenance and improvement jobs for the St. Mary Parish Consolidated Gravity Drainage District No. 2 while he served as the Maintenance Supervisor/Superintendent.

VIII.

For calendar year 2013, Peter Businelle d/b/a PAB Welding received \$281,083 for services rendered to the St. Mary Parish Consolidated Gravity Drainage District No. 2 while he served as the Maintenance Supervisor/Superintendent.

IX.

La. R.S. 42:1113A provides with respect to prohibited transactions:

A.(1) no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1112A provides with respect to participation:

A. No public servant shall participate in a transaction involving his governmental entity in which he has a substantial economic interest.

La. R.S. 1102 provides the following definitions:

(2)(a) defines "agency" to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.

(2)(a)(vi) defines "agency" for public servants of political subdivisions to mean the agency in which the public servant serves.

(12) defines “governmental entity” to mean the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(15) defines “participate” to mean to take part in or to have or share responsibility for action of a governmental entity or proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

(17) defines “political subdivision” to mean any unit of local government, including a special district, authorized by law to perform governmental functions.

(18)(a) defines “public employee” to mean anyone, whether compensated or not, who is: (iii) engaged in the performance of a governmental function.

(19) defines “public servant” to mean a public employee or an elected official.

(20) defines “responsibility” to mean in connection with a transaction involving a governmental entity means the direct administration or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through or with others or subordinates, to effectively direct action of the governmental entity, as the case may be, in respect to such transaction.

(23) defines "transaction involving the governmental entity" to mean any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity. (b) Is one to which the governmental entity is or will be a party. (c) Is one in which the governmental entity has a direct interest.

X.

La. R.S. 42:1153 provides with respect to penalties:

- B. Upon finding that any public employee or other person has violated any provision of any law within the jurisdiction of the board . . . , the board by a majority vote of the membership, may remove, suspend, or order a reduction in pay, or demotion of the public employee or other person, or impose a fine of not more than ten thousand dollars, or both.

La. R.S. 42:1155 provides with respect to penalties:

- A. If an investigation pursuant to R.S. 42:1141 reveals that any public servant or other person has violated any law within the jurisdiction of the board to his economic advantage, the board may order the payment of penalties. Recovery may include, in addition to an amount equal to such economic advantage, penalties not to exceed one half of the amount of the economic advantage. . .

XI.

Based on the foregoing facts, Peter Businelle d/b/a PAB Welding violated La. R.S. 42:1113A by entering into transactions with the St. Mary Parish Consolidated Gravity Drainage District No. 2 while Peter Businelle was a public employee (Maintenance Supervisor/Superintendent and Lead Pumper) of the St. Mary Parish Consolidated Gravity Drainage District No. 2.

XII.

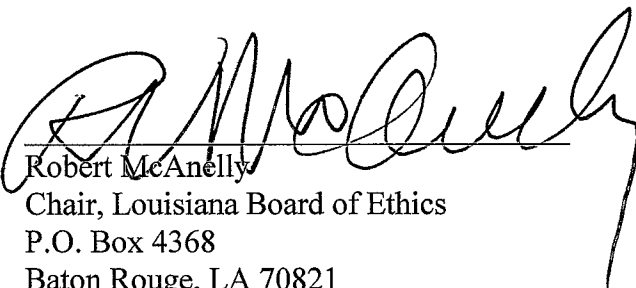
Based on the foregoing facts, Peter Businelle, in his capacity as the Maintenance Supervisor/Superintendent and Lead Pumper for the St. Mary Parish Consolidated Gravity Drainage District No. 2, violated La. R.S. 42:1112A by virtue of his participation in the hiring, assigning and/or awarding of jobs and/or projects to himself d/b/a PAB Welding and in supervising and managing services provided by himself d/b/a PAB Welding on the jobs and projects for the St. Mary Parish Consolidated Gravity Drainage District No. 2 in which Peter Businelle had a substantial economic interest.

XIII.

In accordance with La. R.S. 42:1141C (3)(b)(iv), the Board designates Tracy M. Barker and Sue Mooney as the Board's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics requests that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charges; (b) determine that Peter Businelle has violated La. R.S. 42:1113A and La. R.S. 42:1112A, with respect to the forgoing counts; and (c) assess appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted at the hearing.

[SIGNATURE AND CERTIFICATE OF SERVICE ON FOLLOWING PAGE]



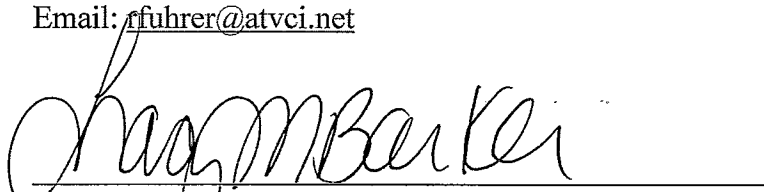
Robert McAnelly
Chair, Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE:

I hereby certify that a copy of this document has been forwarded to the Respondent, Peter Businelle, by registered/certified mail in accordance with La. R.S. 42:1141E(1)(a), on this 21st day of July, 2017.

Peter Businelle
641 79 Pines Lane
Morgan City, Louisiana 70380-5409

Copy to his attorney of record:
Robert P. Fuhrer
Attorney at Law
P.O. Drawer 3319
Morgan City, Louisiana 70381
Telephone: 985/385-1703
Facsimile: 985/385/1720
Email: rfuhrer@atvci.net



Tracy M. Barker
Trial Attorney